

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IPLEARN, LLC,

Plaintiff,

v.

BLACKBOARD INC.,

Defendant.

C.A. No. 11-876-RGA

JOINT CLAIM CONSTRUCTION CHART

Pursuant to the Court’s February 8, 2012 Order (D.I. 18) and the Court’s September 7, 2012 Order (D.I. 41), plaintiff IpLearn, LLC (“IpLearn”) and defendant Blackboard Inc. (“Blackboard”) submit their Joint Claim Construction Chart setting forth the disputed claim terms in U.S. Patent Nos. RE38,432 (the “’432 patent”), RE39,942 (the “’942 patent”), 6,398,556 (the “’556 patent”), 6,685,478 (the “’478 patent”), 7,201,580 (the “’580 patent”), 5,779,486 (the “’486 patent”), 5,934,909 (the “’909 patent”), 6,118,973 (the “’973 patent”), 6,688,888 (the “’888 patent”), 5,863,208 (the “’208 patent”), and 6,212,358 (the “’358 patent”) (collectively, the “Patents-in-Suit”). The Joint Claim Construction Chart also includes each party’s proposed construction of the disputed claim language with citation to the intrinsic evidence in support of their respective proposed constructions. The parties reserve their rights to amend and/or supplement the attached Joint Claim Construction Chart with additional intrinsic evidence in their claim construction briefs.

A copy of the Joint Claim Construction Chart (“Joint Chart”) is attached as Exhibit A. IpLearn and Blackboard agree that terms 1 through 14 in the Joint Chart require construction, and further agree on the construction of term 13 (“institute user pays to access materials regarding the at least one learning user”). In addition, Blackboard has identified terms 15 through 62 in the Joint Chart as requiring construction. Copies of the Patents-in-Suit are attached as Exhibit B. The claim construction order entered in *IpLearn, LLC v. Saba Software, Inc.*, No. 5:02-cv-02634-JW (N.D. Cal. Mar. 21, 2003) is attached as Exhibit C. Additional portions of the intrinsic record relied upon by Blackboard are attached as Exhibits D through O.

- Exhibit D is the ‘942 patent file history at Dec. 15, 2005 Office Action Response and Amendment;
- Exhibit E is the ‘556 patent reexamination file history at June 25, 2004 Office Action;
- Exhibit F is the ‘556 patent reexamination file history at July 22, 2004 Supplemental Office Action;
- Exhibit G is the ‘556 patent reexamination file history at Sept. 9, 2004 Ex Parte Reexamination Interview Summary;
- Exhibit H is the ‘330 patent file history at Feb. 22, 2000 Office Action Response;
- Exhibit I is the ‘556 patent reexamination file history at Sept. 20, 2004 Office Action Response and Amendment;
- Exhibit J is the ‘556 patent reexamination file history at Dec. 10, 2004 Supplemental Amendment;
- Exhibit K is the ‘556 patent reexamination file history at Mar. 18, 2005 Office Action;

- Exhibit L is the '556 patent reexamination file history at Jan. 6, 2006 Notice of Intent to Issue Ex Parte Reexamination Certificate, Examiner's Amendment and Statement of Reasons for Allowance;
- Exhibit M is the '556 patent reexamination file history at June 1, 2005 Office Action Response and Amendment;
- Exhibit N is the '942 patent file history at June 15, 2005 Office Action; and
- Exhibit O is the '942 patent file history at April 13, 2007 Notice of Allowability and Examiner's Amendment.

DATED: September 21, 2012

/s/ Arthur G. Connolly, III

Arthur G. Connolly, III (#2667)
Connolly Gallagher LLP
1000 North West Street, Suite 1400
Wilmington, Delaware 19801
(302) 658-9141
AConnollyIII@cblh.com

Attorney for Plaintiff IpLearn, LLC

OF COUNSEL:

Marc A. Fenster
Benjamin T. Wang
Fredricka Ung
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
(310) 826-7474
mfenster@raklaw.com
bwang@raklaw.com
fung@raklaw.com

/s/ Gregory E. Stuhlman

Gregory E. Stuhlman
Greenberg Traurig, LLP
The Nemours Building
1007 North Orange Street
Wilmington, DE 19801
(302) 661-7000
stuhlmang@gtlaw.com

*Attorneys for Defendant
Blackboard Inc.*

OF COUNSEL:

Scott J. Bornstein
Allan A. Kassenoff
Jonathan M. Dunsay
Greenberg Traurig, LLP
MetLife Building
200 Park Avenue
New York, New York 10166
(212) 801-9200
bornsteins@gtlaw.com
kassenoffa@gtlaw.com
dunsayj@gtlaw.com